THE BOMBAY DISPLACED PERSONS PREMISES CONTROL AND REGULATION ACT, 1952.

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BOMBAY ACT No. XXXI OF 1952.[1]

[THE BOMBAY DISPLACED PERSONS PREMISES CONTROL AND REGULATION ACT, 1952.]

[*27th November 1952*

Amended by Bom. 26 of 1955.

An Act to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

[2][(*a*) " competent authority " means an officer appointed as the competent authority under section 3A ;]

(*b*) " displaced person " means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India ;

(*c*) " displaced persons premises " means any premises allotted by the State Government for the use and occupation of displaced persons ;

[3][(*ca*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;]

(*d*) " premises " means any [4][land or] building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*e*) " prescribed " means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final. Declaration of displaced persons premises.

[5][3A. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification.] Appointment of Competent Authorities.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 52.
[2] This clause was substituted for the original by Bom. 26 of 1955, s. 2 (*1*).
[3] This clause was inserted, *ibid.*, s. 2(*2*).
[4] These words were inserted, *ibid.*, s. 2(*3*).
[5] This section was inserted, *ibid.*, s. 3.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

[1][(*1A*) Before an order under sub-section (*1*) is made against any person, the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice as he deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate , attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (*1*).]

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(*3*) If a person who has been ordered to vacate any premises under sub-section (*1*) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (*2*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

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[1] This sub-section was inserted by Bom. of 26 1955, s. 4(*1*).

[1][*Explanation.*—For the purpose of this section and section 5, the expression 'unauthorised occupation', in relation to any person authorised to occupy any displaced persons premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.]

Po rec or damages as arrears of land reve

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

[2][(*3*) No order shall be made under sub-section (*2*) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.]

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[1] This Explanation was added, by Bom. 26 of 1955, s. 4(*2*).
[2] This sub-section was added, *ibid.* s. 5.

Rent to be recovered from deductions from salary or wages in certain cases.

6. (*1*) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(*2*) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

Appeal.

7. (*1*) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation.

9. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

10. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Power to make rules.

11. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form of notice and the other manner in which it may be served;

(*b*) the procedure to be followed in taking possession of displaced persons premises;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(*e*) any other matter which has to be or may be prescribed.